

BOARD OF CANVASSERS MEETING MINUTES
November 11, 2014

The Board of Davis County Commissioners met as the Board of Canvassers in room 303 of the Davis County Administration Building, 61 South Main Street, Farmington, Utah on November 11, 2014 at 9:00 am. Members present were: Commissioner Louenda H. Downs - Chair, Commissioner P. Bret Millburn, Commissioner John Petroff, Jr., Clerk/Auditor Steve S. Rawlings, Chief Deputy Civil County Attorney Neal Geddes, and Deputy Clerk/Auditor Janet Hanson.

Commissioner Louenda H. Downs led the Pledge of Allegiance. All in attendance were invited to stand and join in.

Election
Canvass

Brian McKenzie, Davis County Elections Manager, shared a quote from President George Washington: “The preservation of the sacred fire of liberty and the destiny of the republican model of government are justly considered as deeply, perhaps as finely staked, on the experiment entrusted to the hands of the American people.” Brian indicated this form of government where the people are the government and control the government was an experiment and is an ongoing experiment as we see how things have changed and adapted. It is good to see so many people involved in the process in making their voices heard and being involved in the election process.

Brian reviewed the following items regarding this year’s election:

- It was a by-mail election
- There were over 136,000 ballots mailed
- There were 7 vote centers throughout the county
- There were 65,347 voters cast a ballot
- There were 53,590 by-mail ballots returned
- There were approximately 12,000 who voted at the vote centers on election day.

Brian reported in accordance with the Lt. Governor’s audit policy, an audit was held on the voting machines. Eight voting machines were selected for the audit. The paper audit trail is hand counted and compared to the electronic tabulation on election night. The process began on November 7th at 10 am until 6 pm. It was put on hold until the following Monday morning, November 10th, when the canvass was completed. It was verified that the votes tallied election night matched 100% with the votes that were recorded on that paper audit trail.

Brian also reported the disposition of ballots not counted was 146. Of those, 119 were by-mail ballots returned because they either came back too late, were not signed, or the signatures did not match the signature on file. Efforts were made to contact each of these voters by telephone. If they were unable to reach them, a replacement ballot or notice was sent to those that came in too late letting them know their ballot would not be counted. Of the provision ballots, most were a result of not providing proof of identity and/or residency. These were double checked to make sure all ballots that could be counted were counted. Brian indicated it is a lower amount than what they usually have for elections especially, with the provisional ballots, due to Davis County having participated in the election day pilot program.

Brian announced the following successful candidates and provided a handout with detailed information:

- US House District 1: Rob Bishop - 69.11%
- US House District 2: Chris Stewart - 72.68%
- Attorney General: Sean D. Reyes - 69.86%
- State Senate 18: Ann Millner - 77.68%
- State Senate 21: Jerry W. Stevenson - 78.31%
- State Senate 22: J. Stuart Adams - 73.26%

- State House 11: Brad Dee - 69.65%
- State House 12: Mike Schultz - 82.77%
- State House 13: Paul Ray - 71.54
- State House 14: Curtis Oda - 66.88%
- State House 15: Brad Wilson 81.40%
- State House 16: Steve Handy – 66.49%
- State House 17: Stewart E. Barlow – 77.57%
- State House 18: Timothy D. Hawkes – 76.47
- State House 19: Raymond Ward – 74.47%
- State House 20: Becky Edwards – 70.96%
- Davis County Assessor: Dale L Peterson (unopposed) – 100%
- Davis County Attorney: Troy Rawlings (unopposed) – 100%
- Davis County Clerk/Auditor: Curtis Koch (unopposed) – 100%
- Davis County Commission Seat A: P. Bret Millburn – 69.47%
- Davis County Commission Seat B: Jim Smith – 65.38%
- Davis County Recorder: Richard T. Maughan (unopposed) – 100%
- Davis County Sheriff: Todd Richardson (unopposed) – 100%
- Davis County Surveyor: Max B. Elliott (unopposed) – 100%
- Davis County Treasurer: Mark Altom (unopposed) – 100%
- Mutton Hollow Township Board (1) 4-Year Term: Porter Heusser (unopposed) – 100%
- Mutton Hollow Township Board (2) 4-Year Term: Gary Card (unopposed) – 100%
- Mutton Hollow Township Board 2-Year Term: Chris M. Hansen (unopposed) – 100%
- State School Board District 5: Laura Collier Belnap – 55.14%
- Davis School Board District 3: Julie Tanner – 52.72%
- Davis School Board District 5: Gordon S. Eckersley – 64.12%
- Davis School Board District 6: Mona Andrus – 52.15%
- Davis School Board District 7: Tamara O. Lowe – 75.17%

The following Judges were retained with their election receiving more yes votes than no votes:

- Judge Durham
- Judge Durrant
- Judge Lee
- Judge Orme
- Judge Christiansen
- Judge Roth
- Judge Davis
- Judge Voros
- Judge Heward
- Judge Kay
- Judge Hamilton
- Judge Hyde
- Judge Morris
- Judge Noland
- Judge Dale
- Judge Dillon
- Judge Renstrom

Constitutional Amendments; these results are for Davis County only. They will be included in the State totals from all the counties which will be included in the State canvass. The results were as follows:

- Constitutional Amendment A: Against - 60.68%
- Constitutional Amendment B: In Favor - 55.55%
- Constitutional Amendment C: Against - 68.82%

City Propositions were as follows:

- Bountiful City Proposition 6: In Favor – 64.51%

- Clearfield City Proposition 7: In Favor – 55.72%
- Farmington City Proposition 4: In Favor – 50.26%

Brian noted with this close of a race there are questions about recount. This is just outside of the recount threshold by about 20 votes. It needs to be within a quarter of a percent of the total votes cast for the race in order to qualify for a recount.

- Farmington City Proposition 5: In Favor – 52.85%

Comments

Commissioner Downs indicated Davis County wanted to present the election canvass as early as possible, which by law is today, and was held even though it is a holiday, Veteran's Day. These results will allow individuals and entities to know how to move forward. It was determined an earlier election canvass would be a service to them. She expressed her appreciation to Brian and the Clerk/Auditor's Office for making the extra effort in finalizing the election results.

Brian indicated there were 17,000 outstanding ballots to be counted on election day. Originally the election canvass was scheduled for November 18th. After reviewing the Utah Code there were no clear definitive options of releasing the results of the uncounted ballots earlier than during the official canvass. Under Steve Rawlings direction, it was determined to hold the canvass a week earlier so the results could be definitive. It required staff and poll workers working early days, late nights and weekends to count and tabulate the remaining 17,000 ballots.

Brian spoke of their decision to hold a vote-by-mail election. They wanted to identify the things we could learn from and improve on. The information could then be shared with colleagues across the state. They learned some things they would like to make recommendations on to change some legislation to make it where they can release results more fluidly. This would allow more flexibility and would not have to be under such a tight schedule. They have found ways to improve the experience for those who choose to vote at the polling locations. There were some long lines which they're not happy with. They were caught off guard by an excellent turnout for a mid-term election. They will take these lessons to improve in the future to make it a better experience for every citizen in the county.

Steve commended the staff for getting the results ready for today. He felt the public and entities which were involved were anxious to have definitive results. He thanked the Commissioners for their support and also asked them to approve the expenditures for providing pizza to the employees while they worked.

Commissioner Petroff commented he felt the Vote-by Mail was an outstanding program. He felt the problems the County experienced were caused by those who did not want to Vote-by Mail and ended up waiting in the long lines. It is his hope that more people will realize this is the way to go. Had those ballots been returned earlier, perhaps the County would have been able to announce the results with 95% accuracy on election night. He thinks it is a great program and almost fraud proof. Noting there are ways people can cheat on anything they can do. He felt the Election's staff did an outstanding job.

Commissioner Millburn echoed what had been previously stated. He congratulated Brian and his staff for the stellar work they had performed. With "pilot" programs you learn and identify how things can be done better and identify challenges within the system. There may be some tweaks that need to be made in the statutes and timing issues. As a whole, it appears it worked fairly well. He thanked Brian for all the efforts he and his staff put into it. They went above and beyond in providing this service to the citizens, candidates and everyone who is interested in getting the results earlier, rather than having to bite their fingernails for another week.

Action request and vote

Brian indicated the action requested is to accept the results as tallied; declare elected those candidates within Davis County jurisdiction; and to accept the results of the propositions for the cities which will be pending ratification from the city's Board of Canvassers as they meet and accept those results. Commissioner

Millburn made a motion to approve the election canvass as outlined by Brian McKenzie. Commissioner Petroff seconded the motion. All voted aye.

Commission
Comments

Commissioner Downs thanked the Clerk/Auditor's staff for all the work they have done for this election. She also thanked the voters in Davis County for coming out in greater numbers which we are happy to accommodate. It gives voters a voice in government, in what is going on in their community and in the state and country which is what we are all about. The more voices we get, the better we are able to govern ourselves and one another.

Brian indicated, between the neighboring and large counties, Davis County has the largest turnout of counties in the state. The next closest is Salt Lake County, which is currently standing at a 45% turnout. Davis County finished at 47.98% turnout. Considering the issues Davis County had on the ballot compared to Salt Lake County's ballot with the Mia Love/Dave Owens race, it is a phenomenal turnout. He is very proud of our voters for turning out and making their voice heard, even on issues that didn't get as much publicity and time in the limelight as some of the higher profile races. Other counties are in the 30 percentages. He's very pleased with the turnout of the Davis County election.

Commissioner Millburn felt it was very appropriate to conduct the Board of Canvass on Veteran's Day and to think back and remember those who have served and currently serve to provide and protect those freedoms that allow us to exercise the right to vote. It is very fitting it was held today.

Public
Comments

Public Comment

Kimberly Wagner indicated she was involved in one of the hotly contested school board races. She addressed two issues: 1) confusion on the Davis County website election night which indicated all of the precincts had reported. Many people presumed those results were the final result or very close to it. Many were not aware there were thousands of outstanding ballots. She asked, in the future, for the website to show and make it very evident that the results are not final. 2) She asked if the outstanding ballot issue was due to mail-in ballots that were postmarked the day before or day of the election. She suggested the deadline be made several days before so the issue would not arise in the future.

The Commissioners and Brian addressed her concerns. Specifically the Clerk/Auditor's Office can only operate according to what the current law says. These laws will be addressed with our legislators.

Representative Joel Briscoe, SLC, expressed his appreciation to Steve Rawlings, Brian McKenzie and their staff for the efforts in finalizing the results of the election as early as possible. He also thanked them for having 7 voting centers open. Cache County also did by-mail voting, but only had 1 voting center. He did express concern about the lines at the voting centers and people who turned away because of them. He understands there is a learning curve. He felt voters may have put off mailing in their ballots until the deadline. His concern is the current campaign disclosure law's deadline. He wants the voters to have the time to research the disclosures prior to voting.

Commissioner Petroff and Steve Rawlings addressed some of Representative Briscoe's concerns noting the Clerk/Auditor's Office has been contacting legislative representatives to have changes made to the election laws in order to move more smoothly into the transition of the vote-by mail process.

Dee Burningham, Bountiful, had a major concern he put in the form of a question: "What really drives voter participation?" He indicated it is meaningful issues, multiple candidates and real competition. He suggested ease of voting is a losing proposition. In his opinion, it is to have more competitive races. He felt for this election and in the primary election, the voter turnout was due to meaningful candidates engaged in the local and state school board. He also requested more open polling locations for convenience. He asked the county officials to consider what is really meaningful to people in participation in government.

Commissioner Downs indicated the county responsibility is to provide the greatest and best opportunities for individuals to vote in a financially prudent manner. This year it was with mail-in ballots, provisional ballots, and voting in person at a voting center. It is not the county’s or commission’s responsibility, by statute, to create competitive races. That is to be done within political parties.

Commissioner Millburn indicated it is a personal responsibility amongst the citizens to engage in the process. He finds it unfortunate that society often time misplaces their priorities. He’s pleased with the 50% turnout, but that also means 50% decided not to vote. He feels we all need to be actively engaged and encourage our family, friends and neighbors to stand up and have their voice heard. The lesson of this canvass is how important every vote really is. A couple of races boiled down to individual votes.

Meeting adjourned.

Clerk/Auditor

Chair